

Panaji, 27th April, 2006 (Vaishaka 7, 1928)

SERIES I No. 4

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note: There are four Extraordinary issues to the Official Gazette Series I No. 3 dated 20th April, 2006 as follows:

- (1) Extraordinary dated 20-4-2006 from pages 17 to 24 regarding Bill from Goa Legislature Secretariat.
- (2) Extraordinary (No. 2) dated 21-4-2006 from pages 25 to 26 regarding Notification from Department of Law & Judiciary (Legal Affairs Division).
- (3) Extraordinary (No. 3) dated 24-4-2006 from pages 27 to 28 regarding Notification from Department of Industries.
- (4) Extraordinary (No. 4) dated 26-4-2006 from pages 29 to 54 regarding Notification from Department of Law & Judiciary (Legal Affairs Division).

GOVERNMENT OF GOA

Department of Education, Art & Culture

Directorate of Archives and Archaeology

Notification

8/241/99/DAA-118

Whereas vide Government Notification No. 9-4/79-WET dated 04.03.1983, published in the Official Gazette No.50, Series I, dated 10th March 1983, the monument at Serial No. 31 of the said Notification namely Shri Malikarjuna temple located in Survey No. 1, Sub Div. 3 at Shreesthal in Canacona taluka is declared as protected monument under the Goa, Daman and Diu Ancient Monuments and Archaeological Sites and Remains Act, 1978 (Act 1 of 1979) (hereinafter called the 'said Act').

And whereas in opinion of the Government that vital part of the said monument is beyond its repair and restoration as earlier, said monument was restored from time to time and same do not respond to further restoration.

And whereas the Management of the said temple has requested for permission with the

Government to reconstruct the temple after handing over the wooden carvings of the said temple, which are two hundred years old and may further deteriorate due to humidity, white ants and other agencies.

And whereas Government is of opinion that the wooden pillars have become fragile and decomposed as such they are not in a position to withstand the superstructure and may collapse any time. Therefore, Government have granted permission to re-construct the said temple with same wooden carving under the guidance of the Officers of the Directorate of Archives and Archaeology, after handing over the said pillars to the Government. The temple committee has already replaced such two decomposed pillars with cement pillars some fifty years ago.

And whereas Government is of opinion that in view of regular flow of devotees, every day and the number increases on every Monday and on the days of fairs and festivals, the said Sabhamandapa and other wooden artifacts would pose imminent danger to the public at large.

And whereas Government is of opinion that after the alteration and reconstruction, the said temple would not need any protection as monument under the provision of law.

Now, therefore, in exercise of the powers conferred, by Section 34 of the said Act, the Government hereby deletes the item No. 31 of the of the schedule of the notification referred hereinabove.

By order and in the name of the Governor of Goa.

M. L. Dicholkar, Director of Archives & Archaeology.

Panaji, 24th April, 2006.

Department of Law & Judiciary

Legal Affairs Division

Notification

10/2/2005-LA/904

The Punjab General Sales Tax (As in force in the Union Territory of Chandigarh) Repeal Act, 2005 (Central Act No. 48 of 2005), which has been passed by the Parliament and assented to by the President of India on 14-12-2005 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 15-12-2005, is hereby published for general information of the public.

Sharad G. Marathe, Under Secretary (Drafting).

Panaji, 22nd March, 2006.

THE PUNJAB GENERAL SALES TAX
(AS IN FORCE IN THE UNION TERRITORY
OF CHANDIGARH) REPEAL ACT, 2005

AN

ACT

to repeal the Punjab General Sales Tax Act, 1948,
as in force in the Union territory of Chandigarh.

BE it enacted by Parliament in the Fifty-sixth
Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the
Punjab General Sales Tax (As in force in the Union
territory of Chandigarh) Repeal Act, 2005.

2. *Repeal of Punjab Act 46 of 1948.*— The Punjab
General Sales Tax Act, 1948, as in force in the Union
territory of Chandigarh, is hereby repealed.

Notification

10/2/2005-LA(Part)/894

The Criminal Law (Amendment) Act, 2005
(Central Act No. 2 of 2006), which has been passed
by the Parliament and assented to by the President
of India on 11-1-2006 and published in the Gazette
of India, Extraordinary, Part II, Section 1, dated
12-1-2006, is hereby published for general
information of the public.

Sharad G. Marathe, Under Secretary (Drafting).

Panaji, 22nd March, 2006.

THE CRIMINAL LAW (AMENDMENT)
ACT, 2005

AN

ACT

to amend the Indian Penal Code, the Code
of Criminal Procedure, 1973 and the Indian
Evidence Act, 1872.

BE it enacted by Parliament in the Fifty-sixth
Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) This
Act may be called the Criminal Law (Amendment)
Act, 2005.

(2) It shall come into force on such date as the
Central Government may, by notification in the
Official Gazette, appoint; and different dates may
be appointed for different provisions of this Act.

CHAPTER II

Amendment to the Indian Penal Code

2. *Insertion of new section 195A.*—
After section 195 of the Indian Penal Code of 1860.
Code, the following section shall be
inserted, namely:—

"195A. *Threatening any person to give false
evidence.*— Whoever threatens another with any
injury to his person, reputation or property or
to the person or reputation of any one in whom
that person is interested, with intent to cause
that person to give false evidence shall be
punished with imprisonment of either
description for a term which may extend to
seven years, or with fine, or with both;

and if innocent person is convicted and
sentenced in consequence of such false
evidence, with death or imprisonment for more
than seven years, the person who threatens
shall be punished with the same punishment
and sentence in the same manner and to the
same extent such innocent person is punished
and sentenced."

CHAPTER III

Amendments to the Code of Criminal
Procedure, 1973

3. *Amendment of section 195.*— In section 195 of the Code of Criminal Procedure, 1973 (hereafter in this Chapter referred to as the Code of Criminal Procedure), in sub-section (1), for the words "except on the complaint in writing of that Court, or of some other Court to which that Court is subordinate", the words "except on the complaint in writing of that Court or by such officer of the Court as that Court may authorise in writing in this behalf, or of some other Court to which that Court is subordinate" shall be substituted.

4. *Insertion of new Chapter XXIA.*— After Chapter XXI of the Code of Criminal Procedure, the following Chapter shall be inserted, namely:—

'CHAPTER XXIA

Plea Bargaining

265A. *Application of the Chapter.*— (1) This Chapter shall apply in respect of an accused against whom—

(a) the report has been forwarded by the officer in charge of the police station under section 173 alleging therein that an offence appears to have been committed by him other than an offence for which the punishment of death or of imprisonment for life or of imprisonment for a term exceeding seven years has been provided under the law for the time being in force; or

(b) a Magistrate has taken cognizance of an offence on complaint, other than an offence for which the punishment of death or of imprisonment for life or of imprisonment for a term exceeding seven years, has been provided under the law for the time being in force, and after examining complainant and witnesses under section 200, issued the process under section 204,

but does not apply where such offence affects the socio-economic condition of the country or has been committed against a woman, or a child below the age of fourteen years.

(2) For the purposes of sub-section (1), the Central Government shall, by notification, determine the offences under the law for the time being in force which shall be the offences affecting the socio-economic condition of the country.

265B. *Application for plea bargaining.*— (1) A person accused of an offence may file an application for plea bargaining in the Court in which such offence is pending for trial.

(2) The application under sub-section (1) shall contain a brief description of the case relating to which the application is filed including the offence to which the case relates and shall be accompanied by an affidavit sworn by the accused stating therein that he has voluntarily preferred, after understanding the nature and extent of punishment provided under the law for the offence, the plea bargaining in his case and that he has not previously been convicted by a Court in a case in which he had been charged with the same offence.

(3) After receiving the application under sub-section (1), the Court shall issue notice to the Public Prosecutor or the complainant of the case, as the case may be, and to the accused to appear on the date fixed for the case.

(4) When the Public Prosecutor or the complainant of the case, as the case may be, and the accused appear on the date fixed under sub-section (3), the Court shall examine the accused *in camera*, where the other party in the case shall not be present, to satisfy itself that the accused has filed the application voluntarily and where—

(a) the Court is satisfied that the application has been filed by the accused voluntarily, it shall provide time to the Public Prosecutor or the complainant of the case, as the case may be, and the accused to work out a mutually satisfactory disposition of the case which may include giving to the victim by the accused the compensation and other expenses during the case and thereafter fix the date for further hearing of the case;

(b) the Court finds that the application has been filed involuntarily by the accused or he has previously been convicted by a Court in a case in which he had been charged with the same offence, it shall proceed further in accordance with the provisions of this Code from

the stage such application has been filed under sub-section (1).

265C. Guidelines for mutually satisfactory disposition.— In working out a mutually satisfactory disposition under clause (a) of sub-section (4) of section 265B, the Court shall follow the following procedure, namely:—

(a) in a case instituted on a police report, the Court shall issue notice to the Public Prosecutor, the police officer who has investigated the case, the accused and the victim of the case to participate in the meeting to work out a satisfactory disposition of the case;

Provided that throughout such process of working out a satisfactory disposition of the case, it shall be the duty of the Court to ensure that the entire process is completed voluntarily by the parties participating in the meeting:

Provided further that the accused may, if he so desires, participate in such meeting with his pleader, if any, engaged in the case;

(b) in a case instituted otherwise than on police report, the Court shall issue notice to the accused and the victim of the case to participate in a meeting to work out a satisfactory disposition of the case:

Provided that it shall be the duty of the Court to ensure, throughout such process of working out a satisfactory disposition of the case, that it is completed voluntarily by the parties participating in the meeting:

Provided further that if the victim of the case or the accused, as the case may be, so desires, he may participate in such meeting with his pleader engaged in the case.

265D. Report of the mutually satisfactory disposition to be submitted before the Court.— Wherein a meeting under section 265C, a satisfactory disposition of the case has been worked out, the Court shall prepare a report of such disposition which shall be signed by the presiding officer of the Court and all other persons who participated in the meeting and if no such disposition has been worked out, the Court shall record such observation and proceed further in accordance with the provisions of this Code from the stage the application under sub-section (1) of section 265B has been filed in such case.

265E. Disposal of the case.— Where a satisfactory disposition of the case has been worked out under section 265D, the Court shall dispose of the case in the following manner, namely:—

(a) the Court shall award the compensation to the victim in accordance with the disposition under section 265D and hear the parties on the quantum of the punishment, releasing of the accused on probation of good conduct or after admonition under section 360 or for dealing with the accused under the provisions of the Probation of Offenders Act, 1958 or any other law for the time being in force and follow the procedure specified in the succeeding clauses for imposing the punishment on the accused;

(b) after hearing the parties under clause (a), if the Court is of the view that section 360 or the provisions of the Probation of Offenders Act, 1958 or any other law for the time being in force are attracted in the case of the accused, it may release the accused on probation or provide the benefit of any such law, as the case may be;

(c) after hearing the parties under clause (b), if the Court finds that minimum punishment has been provided under the law for the offence committed by the accused, it may sentence the accused to half of such minimum punishment;

(d) in case after hearing the parties under clause (b), the Court finds that the offence committed by the accused is not covered under clause (b) or clause (c), then, it may sentence the accused to one-fourth of the punishment provided or extendable, as the case may be, for such, offence.

265F. Judgment of the Court.— The Court shall deliver its judgment in terms of section 265E in the open Court and the same shall be signed by the presiding officer of the Court.

265G. Finality of the judgment.— The judgment delivered by the Court under section 265G shall be final and no appeal (except the special leave petition under article 136 and writ petition under articles 226 and 227 of the Constitution) shall lie in any Court against such judgment.

265H. Power of the Court in plea bargaining.— A Court shall have, for the purposes of discharging its functions under this Chapter, all the powers vested in respect of bail, trial of offences and other matters relating to the disposal of a case in such Court under this Code.

265-I. Period of detention undergone by the accused to be set off against the sentence of imprisonment.— The provisions of section 428 shall apply, for setting off the period of detention undergone by the accused against the sentence of imprisonment imposed under this Chapter, in the same manner as they apply in respect of the imprisonment under other provisions of this Code.

265J. Savings.— The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in any other provisions of this Code and nothing in such other provisions shall be construed to constrain the meaning of any provision of this Chapter.

Explanation.— For the purposes of this Chapter the expression "Public Prosecutor" has the meaning assigned to it under clause (u) of section 2 and includes an Assistant Public Prosecutor appointed under section 25.

265K. Statements of accused not to be used.— Notwithstanding anything contained in any law for the time being in force, the statements or facts stated by an accused in an application for plea bargaining filed under section 265B shall not be used for any other purpose except for the purpose of this Chapter.

265L. Non-application of the Chapter.— Nothing in this Chapter shall apply to any juvenile or child as defined in clause (k) of section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2000." 56 of 2000.

5. Amendment of section 292.— In section 292 of the Code of Criminal Procedure,—

(a) in sub-section (1), for the portion beginning with the words "gazetted officer" and ending with the brackets and words "(including the officer of the Controller of Stamps and Stationery)", the following shall be substituted, namely:—

"officer of any Mint or of any Note Printing Press or of any Security Printing Press (including the officer of the Controller of Stamps and Stationery) or of any Forensic Department or Division of Forensic Science Laboratory or any Government Examiner of Questioned Documents or any State Examiner of Questioned Documents, as the case may be,";

(b) in sub-section (3), for the portion beginning with the words "except with" and ending with the words "as the case may be," the following shall be substituted, namely:—

"except with the permission of the General Manager or any officer in charge of any Mint or of any Note Printing Press or of any Security Printing Press or of any Forensic Department or any officer in charge of the Forensic Science Laboratory or of the Government Examiner of Questioned Documents Organisation or of the State Examiner of Questioned Documents Organisation, as the case may be."

6. Amendment of section 340.— In section 340 of the Code of Criminal Procedure, in sub-section (3), for clause (b), the following clause shall be substituted, namely:—

"(b) in any other case, by the presiding officer of the Court or by such officer of the Court as the Court may authorise in writing in this behalf."

7. Amendment of the First Schedule.— In the First Schedule to the Code of Criminal Procedure, under the heading "I.-OFFENCES UNDER THE INDIAN PENAL CODE,"—

(a) after the entries relating to section 195, the following entries shall be inserted, namely:—

1	2	3	4	5	6
"195A Threatening any person to give false evidence.	Imprisonment for 7 years, or fine, or both.	Cognizable	Non-bailable	Court by which offence of giving false evidence is triable.	
If innocent person is convicted and sentenced in consequence of false evidence with death, or imprisonment for more than seven years.	The same as for the offence.	Ditto	Ditto	Ditto."	

(b) in the 4th column, in the entry relating to section 196, for the word "Ditto", the word "Non-cognizable" shall be substituted.'

8. *Omission of section 25 of Act 25 of 2005.*— Section 25 of the Code of Criminal Procedure (Amendment) Act, 2005 shall be omitted.

CHAPTER IV

Amendment to the Indian Evidence Act, 1872

9. *Amendment of section 154 of Act 1 of 1872.*— In the Indian Evidence Act, 1872, section 154 shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

"(2) Nothing in this section shall disentitle the person so permitted under sub-section (1), to rely on any part of the evidence of such witness."

Notification

10/2/2005-LA/900

The Appropriation (Railway) No. 5 Act, 2005 (Central Act No. 52 of 2005), which has been passed by the Parliament and assented to by the President of India on 20-12-2005 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 21-12-2005, is hereby published for general information of the public.

Sharad G. Marathe, Under Secretary (Drafting).

Panaji, 22nd March, 2006.

THE APPROPRIATION (RAILWAYS) No. 5 ACT, 2005

AN

ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2005-06 for the purposes of Railways.—

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Appropriation (Railways) No. 5 Act, 2005.

2. *Issue of Rs. 200,00,66,000 out of the Consolidated Fund of India for the financial year 2005-06.*— From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two hundred crore and sixty-six thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2005-06, in respect of the services relating to railways specified in column 2 of the Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
2	Miscellaneous Expenditure (General)	1,000	...	1,000
16	Assets—Acquisition, Construction and Replacement.....			
	Other Expenditure			
	Capital	200,00,05,000	...	200,00,05,000
	Railway Funds	50,000	...	50,000
	Railway Safety Fund	10,000	...	10,000
	Total	200,00,66,000	...	200,00,66,000

Law (Establishment) Division

Notification

5-49-99/LD-Estt/1075

In exercise of the powers conferred by section 69 of the Registration Act, 1908 (Central Act 16 of 1908), as extended to the State of Goa, read with section 21 of the General Clauses Act, 1897 (Central Act 10 of 1897), and all other powers enabling him in this behalf, the Inspector General of Registration of Goa, hereby makes the following rules, which rules have been approved by the Government of Goa, so as to amend the Goa, Daman and Diu Registration Rules, 1965, as follows, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Registration (Amendment) Rules, 2006.

(2) They shall come into force at once.

2. *Amendment of rule 40.*— In rule 40 of the Goa, Daman and Diu Registration Rules, 1965, in sub-rule (1), after item (i), the following items shall be inserted, namely:—

“(j) that the document is drawn on only one side of the paper leaving the other side blank;

(k) That the plan/sketch enclosed to the document is drawn on paper of A4 size;

(l) that the pages of the document are consecutively numbered by the persons executing the document;

(m) that every page of the document bears initials of all the persons who execute the document".

By order and in the name of the Governor of Goa.

Prasanna A. Acharya, Under Secretary (Estt.).

Panaji, 18th April, 2006.

Notification